

REMARKS

Upon receipt of the instant Office Action, Claims 1, 3, 5, 6 and 8-74 were pending. Claims 16-56 were previously withdrawn from consideration as being directed to non-elected subject matter. Reconsideration of the claimed subject matter is hereby requested in light of the following remarks.

Withdrawal of Species Election Requirement

Applicants thank the Examiner for withdrawing the species election requirement and allowing Claims 1, 3, 5, 6, 8-15 and 57-74 to be examined on the merits.

Nonstatutory Obviousness-Type Double Patenting Rejection

The Examiner rejected Claims 1, 3, 5, 6, 8-15 and 57-74 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-13 of U.S. Patent No. 6,610,206 in view of U.S. Patent No. 6,779,468 (Gupta). In particular, the Examiner stated that:

The difference between the claims in the patent and instant application is incorporation of iron complex or iron salts set forth in claims 57-60. However, to incorporate noncolloidal ferric compound such as ferric pyrophosphate to dialysis composition in order to prevent or treat iron deficiency is obvious in view of Gupta. (abstract, column 1, lines 10-17, column 4, lines 15-23) Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate ferric compounds such as ferric pyrophosphate well known by Gupta routinely incorporated in dialysis composition in order to supplement iron to dialysis patients.

Without acquiescing to the basis of this rejection, Applicants submit herewith a *Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection over a "Prior" Patent*, thereby overcoming this rejection with respect to Claims 1, 3, 5, 6, 8-15 and 57-74. Applicants respectfully request that the Examiner withdraw this rejection with respect to Claims 1, 3, 5, 6, 8-15 and 57-74 in light of the submission of this *Terminal Disclaimer*.

Reconsideration of the claimed subject matter is hereby respectfully requested in view of the foregoing remarks.

Respectfully submitted,
Robin Callan et al.
Seed Intellectual Property Law Group PLLC

/ Carol J. Roth /
Carol J. Roth
Attorney for Applicants
Registration No. 32,783

CJR:cew

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031
985970_1.DOC